

## REMARKS/ARGUMENTS

### **I. Fees**

Applicant believes that there are no additional fees due at this time. *If there are any additional fees due in respect to this amendment, please charge them to Deposit Account No. 13-2165. Authority is hereby given to charge any such deficiency, or credit any overpayment, to Deposit Account No. 13-2165 Mathews, Shepherd, McKay & Bruneau. The Examiner is invited to contact the undersigned if further information is required.*

### **II. Allowable Subject Matter**

Applicant wishes to thank the Examiner for the indication that claims 5, 12, 18 and 23 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has amended claim 1, the base claim, to include all of the limitations of any intervening claims and allowable claim 5. Applicant has amended claim 9, the base claim, to include all of the limitations of any intervening claims and allowable claim 12. Applicant has amended claim 15, the base claim, to include all of the limitations of any intervening claims and allowable claim 18. Applicant has amended claim 20, the base claim, to include all of the limitations of any intervening claims and allowable claim 23.

### **III. Rejection under 35 USC §103(a)**

The Examiner has rejected claims 1-4, 6-11, 13-17 and 19-22 under 35 USC §103(a) as being unpatentable over Smith et al. (US Patent No. 3,786,777) in view of Pereyra et al. (US Patent No. 5,964,181) and further in view of Berger.

In the interest of prosecutorial efficiency the applicant has amended base claims 1, 9, 15 and 20 to incorporate the corresponding limitations of allowable claims 5, 12, 18 and 23 any intervening claims thereby placing claims 1-4, 6-11, 13-17 and 19-22, the only remaining claims in condition for allowance.

Withdrawal of the rejection under 35 USC §103(a) is respectfully requested.

### **IV. Nonstatutory Double Patenting Rejection**

The Examiner has rejected claims 1, 4-9, 12-15 and 18-23 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of US Patent No 6,694,913 (Cooperman). The Examiner has rejected claims 2-3, 10-11 and 16-17 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 6 & 9 of US Patent No 6,694,913 (Cooperman) in view of US Patent No. 3,786,777 (Smith).

A terminal disclaimer in compliance with 37 CFR 1.321(c) has been prepared and is enclosed to overcome the rejection based on nonstatutory double patenting ground. Withdrawal of the rejection under the judicially created doctrine of obviousness-type double patenting is respectfully requested.

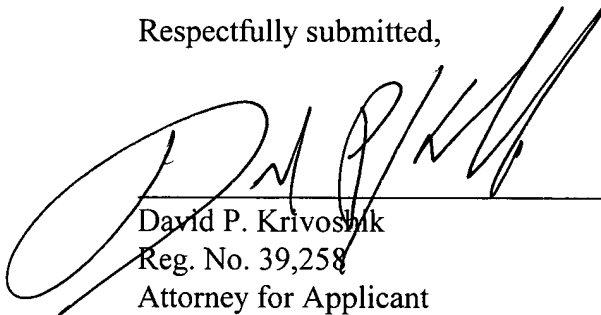
**V. Summary**

By this amendment, applicant has amended the claims to more clearly state the present invention. Applicant believes that claims 1-4, 6-11, 13-17 and 19-22, the only remaining claims are in condition for allowance.

Should there remain any questions or other matters whose resolution may be advanced by a telephone call, the Examiner is cordially invited to contact the applicant's undersigned attorney at his number below.

Respectfully submitted,

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